



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,234	11/18/2003	William John Kozlowski JR.	J001-P03141US	6914

33356 7590 02/21/2007
SoCAL IP LAW GROUP LLP
310 N. WESTLAKE BLVD. STE 120
WESTLAKE VILLAGE, CA 91362

EXAMINER

SALOMON, PHENUEL S

ART UNIT	PAPER NUMBER
----------	--------------

2109

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/717,234

Applicant(s)

KOZLOWSKI ET AL.

Examiner

Phenuel S. Salomon

Art Unit

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/18/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the original filing of November 18, 2003. Claims 1-26 are pending and have been considered below.

Objections

2. The use of the trademark [for example LinuxTM, UnixTM, etc....] has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademark is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

3. The disclosure is objected to because of the following informalities: the examiner notes the use of acronyms: such as HTML and others, in the specification without including a description in plain text, as required. Appropriate correction is required.

4. The disclosure is objected to because of the following informalities: the examiner notes some mistakes: such as "...as discussed regarding claim 240." (page 12, para. [0041] and "...dialing living routine,..." (page 19, para. [0058]), please check the disclosure carefully for other type of similar mistakes. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6 and 8-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Samaan et al. (US 2002/0138843 A1).

Claim 1: Samaan discloses a method for creating a presentation of the abilities of and requirements for a person comprising:

capturing at least one subject video sequence of a subject person (page 12, para. [0116])

editing the subject video sequence to create an edited subject video sequence (page 12, para. [0117])

capturing an observer video sequence (page 12, para. [0116])

editing the observer video sequence to create an edited observer video sequence (page 12, para. [0117])

preparing at least two text portions concerning the subject person (page 5, para. [0057]).

creating a subject summary screen that includes a first link to the edited subject video sequence, a second link to the edited observer video sequence, and hypertext links to the at least two text portions (page 5, para. [0051 & 0052]).

Claim 2: Samaan discloses a method as in claim 1 above, wherein the subject video sequence shows the subject person performing at least one of getting dressed, work place skills, communicating (page 3, para. [0034]).

Claims 3 & 11: Samaan discloses a method as in claim 1 above and 10 below, wherein the observer video sequence shows at least one of a caregiver, an employer, a friend, a parent, a spouse, and a medical provider of the subject person (page 2, para. [0027]), Examiner note: an edited birthday celebration video normally showcases comments or wishes from family members, friends and others about the subject person celebrating.

Claim 4: Samaan discloses a method as in claim 1 above, wherein the observer video sequence shows an observer discussing at least one of an abilities of the subject person, a medical condition of the subject person, a demeanor of the subject person (page 2, para. [0027]), Examiner note: an edited birthday celebration video normally showcases a variety of comments or wishes from family members, friends and others about the subject person celebrating.

Claim 5: Samaan discloses a method as in claim 1 above, wherein the text portions include text concerning at least two of daily routines, transportation requirement, communication abilities, medical condition, usual behavior, unusual behavior, and warning signs concerning the subject person (page 16, para. [0147]).

Claim 6: Samaan discloses a method as in claim 1 above, further comprising:
storing the subject summary screen, the edited subject video sequence, the edited observer video sequence, and the at least two text portions to a machine readable medium (page 6, para. [0072]).

Claim 8: Samaan discloses a method as in claim 1 above, further comprising:

making the machine readable medium accessible via a network (page 6, para. [0072]).

Claim 9: Samaan discloses a method for creating a presentation of the abilities of and requirements of a person comprising:

capturing at least one subject video sequence of a subject person performing at least one of getting dressed, work place skills, communicating (page 3, para. [0034])

capturing an observer video of at least one of a caregiver, an employer, a friend, a parent, a spouse, and a medical provider of the subject person discussing at least one of an abilities of the subject person, a medical condition of the subject person, a demeanor of the subject person (page 2, para. [0027])

editing the subject video sequence to create an edited subject video sequence (page 12, para. [0117])

editing the observer video sequence to create an edited observer video sequence (page 12, para. [0117])

preparing at least two text portions concerning the subject person, including text concerning at least two of daily routines, transportation requirement, communication abilities, medical condition, usual behavior, unusual behavior, and warning signs (page 5, para. [0057])

creating a subject summary screen that includes a first link to the edited subject video sequence, a second link to the edited observer video sequence, and hypertext links to the at least two text portions (page 5, para. [0051 & 0052]).

storing the subject summary screen, the edited subject video sequence, the edited observer video sequence, and the at least two text portions to a machine readable medium (page 6, para. [0072]).

Claim 10: Samaan discloses a method of presenting the abilities of and requirements of a person comprising:

presenting an opening screen to a viewer, the opening screen having a plurality of hypertext links, including at least one each of a video item link and a text item link, each of the hypertext links having one of a plurality of graphical user interface items associated therewith (page 5, para. [0051])

receiving a viewer selection of one of the hypertext links (page 5, para. [0052])

presenting a selected video item to the viewer when the viewer selection is the video item link, the selected video item presenting at least one of the subject person and an observer of the subject person discussing the subject person (page 5, para. [0053])

presenting a selected text item to the viewer when the viewer selection is the text item link, the selected text item concerning the subject person (page 16, para. [0147]).

Claim 12: Samaan discloses a method as in claim 10 above, wherein the selected video item has as a subject at least one of an abilities of the subject person, a medical condition of the subject person, a daily routine of the subject person, a demeanor of the subject person (page 3, para. [0034]).

Claim 13: Samaan discloses a method as in claim 12 above, wherein the abilities include at least one of work place skills, physical limitations, intelligence, mental capacity (page 3, para. [0034]).

Art Unit: 2109

Claim 14: Samaan discloses a method as in claim 10 above, wherein the text item describes at least one of an abilities of the subject person, a medical condition of the subject person, a daily routine of the subject person, a demeanor of the subject person (page 16, para. [0147]).

Claim 15: Samaan discloses a method as in claim 14 above, wherein the abilities include at least one of work place skills, physical limitations, intelligence, mental capacity (page 3, para. [0034]).

Claim 16: Samaan discloses a method as in claim 10 above, wherein the graphical user interface items include a text label, an icon, and a thumbnail image (page 12, para [0119]).

Claims 17 and 26: Samaan discloses a machine readable medium having stored thereon instructions which when executed cause a system to perform operations to present the abilities of and requirements of a person comprising:

presenting an opening screen to a viewer, the opening screen having a plurality of hypertext links, including at least one each of a video item link and a text item link, each of the hypertext links having one of a plurality of graphical user interface items associated therewith (page 5, para. [0051])

receiving a viewer selection of one of the hypertext links (page 5, para. [0052])

presenting a selected video item to the viewer when the viewer selection is the video item link, the selected video item presenting at least one of the subject person and an observer of the subject person discussing the subject person (page 5, para. [0053])

presenting a selected text item to the viewer when the viewer selection is the text item link, the selected text item concerning the subject person (page 16, para. [0147]).

Art Unit: 2109

Claim 18: Samaan discloses a machine readable medium as in claim 17 above, wherein the observer is at least one of a caregiver to the subject person, an employer of the subject person, a friend of the subject person, a parent of the subject person, a spouse of the subject person, and a medical provider of the subject person (page 2, para. [0027]), Examiner note: an edited birthday celebration video normally showcases comments or wishes from family members, friends and others about the subject person celebrating.

Claim 19: Samaan discloses a machine readable medium as in claim 17 above, wherein the selected video item has as a subject at least one of an abilities of the subject person, a medical condition of the subject person, a daily routine of the subject person, a demeanor of the subject person (page 3, para. [0034]).

Claim 20: Samaan discloses a machine readable medium as in claim 19 above, wherein the abilities include at least one of work place skills, physical limitations, intelligence, mental capacity (page 3, para. [0034]).

Claim 21: Samaan discloses a machine readable medium as in claim 17 above, wherein the text item describes at least one of an abilities of the subject person, a medical condition of the subject person, a daily routine of the subject person, a demeanor of the subject person (page 16, para. [0147]).

Claim 22: Samaan discloses a machine readable medium as in claim 21 above, wherein the abilities include at least one of work place skills, physical limitations, intelligence, mental capacity (page 16, para. [0147]).

Art Unit: 2109

Claim 23: Samaan discloses a machine readable medium as in claim 17 above, wherein the graphical user interface items include a text label, an icon, and a thumbnail image (page 12, para [0119]).

Claim 24: Samaan discloses a machine readable medium as in claim 17 above, included in a computing device (see fig. 1, item #18).

Claim 25: Samaan discloses a machine readable medium as in claim 17 above, included in a server computing device to be transmitted to a client computing device over a network (see fig. 1, items #12 and 18).

Claim 26: A machine readable medium having stored thereon instructions which when executed cause a system to perform operations to present the abilities of and requirements of a person comprising:

presenting an opening screen to a viewer, the opening screen having a plurality of hypertext links, including at least one each of a video item link and a text item link, each of the hypertext links having one of a plurality of graphical user interface items associated therewith

receiving a viewer selection of one of the hypertext links

presenting a selected video item to the viewer when the viewer selection is the video item link, the selected video item presenting one of the subject person, a caregiver to the subject person, an employer of the subject person, a friend of the subject person, a parent of the subject person, a spouse of the subject person, and a medical provider of the subject person discussing at least one of an abilities of the subject person, a medical condition of the subject person, a daily routine of the subject person, a demeanor of the subject person

presenting a selected text item to the viewer when the viewer selection is the text item link, the selected text item describing at least another of the abilities of the subject person, the medical

Art Unit: 2109

condition of the subject person, the daily routine of the subject person, the demeanor of the subject person.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Samaan et al. (US 2002/0138843 A1).

Claim 7: Samaan discloses a method as in claim 1 above, but does not explicitly disclose providing the machine readable medium to prospective employers or prospective caregivers when requested to do so by the subject person. However, Samaan discloses a server computer linked to the Internet and users can use their personal computers to access the server (fig. 1). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a machine readable medium to transport these files. One would have been motivated to do so in order to make it more convenient to those who don't have access to the Internet.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2109

a. Dunlap et al. (US 6,760,749 B1) discloses Interactive conference content.....

b. Beitel et al. (US 5,274,758) discloses computer-based, audio/visual creation....

c. John M. Carroll et al. (US/ April 24-28, 1994, Human Factors in Computing Systems)

discloses Raison d'Etre: capturing design history and rationale in multimedia narratives.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phenuel S. Salomon whose telephone number is (571) 270-1699. The examiner can normally be reached on Mon-Fri 7:00 A.M. to 4:00 P.M.(Alternate Friday Off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on (571) 270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PSS
2/13/2007


James W. Myrhe
Supervisory Primary Examiner